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September 25, 2024

By ECF

Hon. John P. Mastando III
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Courtroom 601
New York, New York 10004-1408

In re: JJ Arch LLC, No. 24-10381 (JPM)
Response to Mr. Chassen and Arch Real Estate's Unauthorized Sur-Replies

Dear Hon. Judge Mastando:

This firm is counsel to the Debtor in the above-referenced matter set for hearing later today. We write with respect to the letter sent by Mr. Jared Chassen and Arch Real Estate Holding LLC's (collectively, the "Movants") yesterday [Dkt. No. 199] (the "9/24 Letter"). We also make reference to the Movants' letter sent to the Court on September 19, 2024 [Dkt. No. 193] (the "9/19 Letter").

As the Movants make clear in their 9/19 Letter, they filed their *Motion to Dismiss* [Dkt. No. 170] (the "Motion") on August 6, 2024, with an August 29, 2024 hearing date. The Motion was subsequently adjourned to September 10, 2024, and Movants did not condition their agreement to adjourn on maintaining the original August 22 objection deadline.

Rather, they re-noticed the hearing with a September 3 deadline, providing parties with ample time to respond. Since that time, and the further adjournment of the Motion, the Movants have sent the Court two distinct letters - one, among other things, objecting to the Debtor's response [Dkt. No. 189] (the "Response") to their reply as untimely, and a second, the 9/29 Letter, which, among other things, seeks to alert the Court to a recent legal development.

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Given the timing of both of the Movant's letters, the Debtor requests that, to the extent that the Court strikes the Debtor's Response as untimely, that the Court also stricken both of the Letters in their entirety as unauthorized and untimely as well.

We would also note that, with regard to the state court action cited to in the 9/24 Letter, the plaintiffs specifically failed to name the Debtor, who is clearly an indispensable party, and whose interests are being affected by this *ex parte* action, all in a blatant exercise in forum shopping since the assignment of the interests was first raised in the Debtor's plan. We are in the process of preparing a fulsome response to the state court action.

Respectfully,

/s/ Jonathan S. Pasternak

Jonathan S. Pasternak